

## REMARK

The above Amendments and these Remarks are in reply to the Office Action mailed November 24, 2006.

Claims 1-9, 13-16, 19-28, 37, 38, 40-49, 55 and 56 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-9, 13-16, 19-28, 37, 38, 40-49, 55 and 56.

The present Response amends claims 19 and 45, leaving for the Examiner's present consideration claims 1-9, 13-16, 19-28, 37, 38, 40-49, 55 and 56. Reconsideration of the rejections is requested.

Claim 45 was objected to because it was marked as "Previously Presented" but did include additional amendments to the claim, whereas it should be marked as "Currently Amended." This omission is considered non-compliant pursuant to 37 CFR §1.212(c). For the sake of prosecuting the merits of the claim, this impropriety was treated as a mere claim objection.

Claim 45 is now believed to be correctly labeled.

Further, claims 19 and 45 exhibit the sub-paragraph "When the undeployed ... user step; and" after the "wherein" at the end of paragraph (e) and this sentence should start without capitalization.

Claims 19 and 45 have been amended as suggested.

Claims 42-43, 47-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirements.

Paragraph [0032] of the present invention's specification states that a computer can contain "one or more processing devices." For this reason, claims 42-43 and 47-48 are believed to be supported by the specification.

Claims 1-9, 13-16, 19-28, 37-38, 40-49, 55-56 are rejected under 35 U.S.C. 102(a) as being anticipated by WebLogic Server 6.0, Deploying EJBs in the EJB Container, Programming WebLogic Enterprise JavaBeans, e-docs.bea.com, pp. 1-5, archive copy 4/17/2001 (hereinafter WLS6) URL: <http://web.archive.org/web/20010417134926/http://e-docs.bea.com/wls/docs60/-ejb/deploy.html>.

This reference is not prior art since it describes work done by the present inventor. It is not prior art under §102(a) because it was not disclosed "before the invention" by the applicants.

It is not prior art under §102(b) since the reference date is not over a year from the present application's priority date. For this reason, the claims are patentable over this invention.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: March 23, 2007

By: /Joseph P. O'Malley/  
Joseph P. O'Malley  
Reg. No. 36,226

FLIESLER MEYER LLP  
650 California Street, 14th Floor  
San Francisco, California 94108  
Telephone: (415) 362-3800  
Customer No. 23910